

### **Remarks/Arguments**

The foregoing amendments to the claims are of formal nature, and do not add new matter. Claims 119-124 are pending in this application and are rejected on various grounds. Claim 119 has been amended to recite "specifically binds" while claim 124 has been canceled without prejudice or disclaimer. The rejections to the presently pending claims are respectfully traversed.

### **Priority**

Applicants rely on the 'chondrocyte redifferentiation' assay for patentable utility of this case, first disclosed in International Application PCT/US/00/08439, filed March 30, 2000, priority for which has been claimed in this application. The Examiner acknowledges utility for this molecule based on the chondrocyte redifferentiation assay in U.S. application No. 09/941,992. For the same reasons, Applicants submit that the subject matter defined in International Application PCT/US/00/08439 ( as SEQ ID No: 422; Figure 304) also provide specific and substantial and a well established utility for the claimed invention in the present application. Hence, the present application is at least entitled to an effective filing date of **March 30, 2000**.

### **Specification**

The specification has been amended to delete all "embedded hyperlink and/or other forms of browser-executable code" and to correct minor errors. Their entry is respectfully requested. No new matter has been added due to these amendments.

### **Information disclosure Statement**

The Examiner had objected to the previously submitted IDS because it did not comply with the requirements of 37 C.F.R. § 1.98(a)(2). Applicants hereby submit a new IDS separately enlisting each accession number for the sequence, the reference and the database where the sequence is available, from the previously submitted Blast report of 5/31/2002 which complies with 37 C.F.R. § 1.98(a)(2). Consideration of this Information Disclosure Statement is respectfully requested.

**Claim Rejections - 35 USC § 112, second paragraph**

Claims 119 and 124 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out the subject matter which the applicant regards as the invention. The Examiner rejects these claims for lack of distinction between the terms "binds" and "specifically binds".

Without acquiescing to the propriety of this rejection and solely in the interest of expedited prosecution in this case, Applicants have canceled claim 124 and have amended claim 119 to recite "specifically binds". Applicants submit that the art-recognized meaning of "specific" binding is that the antibody that specifically binds to a particular antigen does not significantly cross-react with another antigen. Accordingly, one skilled in the art would know what the scope of the invention is.

Thus, Applicants respectfully request that this rejection to claims be withdrawn.

**Claim Rejections – 35 USC § 102**

- a. Claims 119-124 are rejected under 35 U.S.C. §102(b) as being anticipated by as being anticipated by Baker *et al.* (WO 99/63088, dated 9 December/1999).

Based on the discussions above, Applicants believe that they are entitled to at least an effective date of **March 30, 2000** for this application. Accordingly, WO 99/63088, dated December/1999 is **102(a)** art instead. Applicants further submit that WO 99/63088, dated December/1999 is the Applicants own art and can be overcome with an affidavit if necessary. Applicants also submit that the nucleic acids and polypeptides of SEQ ID NO: 422 and 421 were cloned, sequenced and disclosed in U.S. provisional application 60/097978, filed 8/26/1998 as SEQ ID NOs: 2 and 1 (Figures 2 and 1) respectively and priority has been claimed to this provisional application. If necessary, a Declaration can be submitted to reiterate this point.

Accordingly, Applicants submit that the above cited art is not prior art and this rejection should be withdrawn.

- b. Claims 119-124 are rejected under 35 U.S.C. §102(b) as being anticipated by Ashkenazi *et al.*, dated (published 8 June 2000).

Based on the discussions above, Applicants believe that they are entitled to at least an effective date of **March 30, 2000** for this application, which predates the publication date for Ashkenazi. Accordingly, the above cited reference is not prior art and this rejection should be withdrawn.

c. Claims 119-124 are rejected under 35 U.S.C. §102(b) as being anticipated by Walker *et al.*, dated (published 25 May 2000).

Based on the discussions above, Applicants believe that they are entitled to at least an effective date of **March 30, 2000** for this application, which predates the publication date for Walker. Accordingly, the above cited reference is not prior art and this rejection should be withdrawn.

The present application is believed to be in *prima facie* condition for allowance, and an early action to that effect is respectfully solicited.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney Docket No.: 39780-2730P1C47). Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

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